

RESOLUTION NO. 101024-01

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS CALLING FOR REDEMPTION CERTAIN CURRENTLY OUTSTANDING CITY OBLIGATIONS; DIRECTING THE CITY ADMINISTRATOR, OR A DESIGNEE THEREOF, TO EFFECTUATE THE REDEMPTION OF THESE OBLIGATIONS; DELEGATING TO CERTAIN CITY OFFICIALS AND STAFF THE AUTHORITY TO EFFECTUATE MATTERS HEREIN RESOLVED; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City Council (the *Governing Body*) of the City of La Vernia, Texas (the *City*) previously adopted an ordinance (the *Original Ordinance*) authorizing the issuance of the City's currently outstanding General Obligation Refunding Bonds, Series 2017 (the *Outstanding Obligations*), which are subject to redemption (at the City's option) prior to stated maturity; and

WHEREAS, the Original Ordinance provides the notice requirements to effectuate the redemption of the Outstanding Obligations prior to their Stated Maturities, which the holder of the Outstanding Obligations has agreed to waive; and

WHEREAS, to reduce overall debt service requirements of the City, the City hereby determines that it is in the best interest of the City and its residents to utilize lawfully available City funds to retire and discharge the Obligations by redemption, prior to their Stated Maturities; and now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS THAT:

SECTION 1. The City hereby calls the Obligations for redemption on October 17, 2024 in the principal amount not to exceed \$320,000.00. The election to redeem the Obligations is irrevocable upon adoption of this Resolution by the Governing Body. The form of the Notice of Redemption for the Obligations is attached as Exhibit A hereto and incorporated herein by reference for all purposes. The Mayor and City Administrator are authorized and instructed to give notice of the redemption described herein to the paying agent/registrars for the Obligations, for further delivery thereby to the holder of such Obligations, all as provided in the Authorizations.

SECTION 2. The Governing Body hereby authorizes an Authorized Official (defined herein) to use lawfully available funds of the City (the *Retirement Proceeds*), in amounts necessary and sufficient to redeem the Obligations on October 17, 2024. Notwithstanding the foregoing, Retirement Proceeds derived from the City's interest and sinking fund established and maintained for the security and payment of the Outstanding Obligations shall only be used to accomplish the redemption of the Outstanding Obligations.

An Authorized Official shall coordinate the filing with the appropriate entity or entities of a material event or other notice of the occurrence of the redemption herein directed pursuant to and in accordance with the provisions of the Original Ordinance.

SECTION 3. The redemption of the Obligations shall be accomplished by the City's deposit with the paying agent/registrars for the Obligations, on or before October 17, 2024, of an

amount sufficient to pay the redemption price of the Obligations, being the principal amount thereof, plus accrued (but unpaid interest) to their October 17, 2024 redemption date. The City shall utilize Retirement Proceeds to satisfy the deposits required under this Section 3.

SECTION 4. Each Authorized Official is authorized to evidence adoption of this Resolution and to do any and all things necessary or convenient to effect the redemption of the Obligations as herein described, and otherwise give effect to the intent and purpose hereof.

SECTION 5. The Governing Body hereby directs that Retirement Proceeds shall include amounts sufficient to pay professional fees and expenses of the City's Bond Counsel, the City's Financial Advisor, the paying agent/registrar for the Obligations, and any other party whose services have been determined by the City to be necessary to accomplish the purpose and intent of this Resolution. Use of Retirement Proceeds to pay these expenses is hereby approved.

SECTION 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Governing Body.

SECTION 7. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 8. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 9. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Governing Body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11. Though such parties may be identified, and the entry into a particular form of contract may be authorized herein, the Governing Body hereby delegates to the Mayor, Mayor Pro Tem, City Secretary, and City Administrator, whether acting in a permanent or interim capacity (each of the foregoing, an *Authorized Official*), the authority to independently select the counterparty to any other contract that is determined by an Authorized Official, the City's Financial Advisor, or Bond Counsel to be necessary or incidental to carry out the provisions of this Resolution, as long as each of such contracts has a value of less than the amount referenced in Section 2252.908 of the Texas Government Code, as amended (collectively, the *Ancillary Bond Contracts*); and, as necessary, to execute the Ancillary Bond Contracts on behalf and as the act and deed of the City. The Governing Body has not participated in the selection of any of the business entities which are counterparties to the Ancillary Bond Contracts.

SECTION 12. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

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PASSED AND APPROVED, this the 10th day of October, 2024.

CITY OF LA VERNIA, TEXAS

Mayor

ATTEST:

City Administrator

(CITY SEAL)

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EXHIBIT A
NOTICE OF REDEMPTION

(See Tab __)